

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

CASE NO.: 3:00-CR-106-001(JAF)

WILFREDO RIVERA-MARCANO

**MOTION NOTIFYING SUPERVISED RELEASE VIOLATIONS AND
REQUEST FOR A WARRANT AND
THE TOLLING OF THE SUPERVISED RELEASE TERM**

TO THE HONORABLE JOSE A. FUSTE
CHIEF U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, JEFFREY SEMIDEY U.S. PROBATION OFFICER of this Court,
presenting an official report on the conduct and attitude of releasee, Wilfredo Rivera-Marcano, who on December 1, 2000, was sentenced to ninety-two (92) months of imprisonment to be followed by a five (5) year supervised release term after he plead guilty of violating Title 21 U.S.C. §§841(a)(1). On February 10, 2003, his sentence was amended and his imprisonment term was reduced to sixty (60) month to be served concurrently with the sentence imposed in local court. As special conditions he was ordered to submit to urinalysis and treatment if necessary, and provide the U.S. Probation Officer financial information upon request. On August 25, 2004, Mr. Rivera-Marcano was released from prison.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

- 1. STANDARD CONDITION - "THE DEFENDANT SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE. THE DEFENDANT SHALL SUBMIT TO ONE DRUG TEST WITHIN 15 DAYS OF RELEASE FROM IMPRISONMENT AND AT LEAST TWO PERIODIC TESTS THEREAFTER AS REQUIRED BY THE U.S. PROBATION OFFICER. IF ANY SUCH SAMPLES, DETECT SUBSTANCE ABUSE, THE DEFENDANT SHALL PARTICIPATE IN A SUBSTANCE ABUSE TREATMENT PROGRAM ARRANGED AND APPROVED BY THE PROBATION OFFICER UNTIL DULY DISCHARGED BY AUTHORIZED PROGRAM PERSONNEL WITH THE APPROVAL OF THE PROBATION OFFICER."**

On February 15, 18, and 25, 2005, the offender tested positive to the use of crack cocaine. He was referred to inpatient treatment for a period of fifteen (15) days. After his release he was referred to outpatient treatment, however his attendance to treatment was erratic. On May 19, 2005, the offender again tested positive to cocaine. He was referred once again to inpatient drug addiction treatment which he subsequently abandoned. His whereabouts at this time are unknown.

- 2. SPECIAL CONDITION NO. 2 - "THE DEFENDANT SHALL REPORT TO THE PROBATION OFFICER AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN THE FIRST FIVE DAYS OF EACH MONTH."**

Mr. Rivera-Marcano is currently absconded from supervision. The last time this offender contacted our office was on July 14, 2005. Monthly Supervision Reports have not been submitted since May 2005.

WHEREFORE, I declare under penalty and perjury that the foregoing is true and correct, and in lieu of the aforementioned, unless ruled otherwise, it is respectfully requested that tolling of the supervision term be ordered and a warrant be issued so that the offender may be brought before this Court to show cause why his supervised release term should not be revoked. Thereupon, he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 3rd day of April 2006

Respectfully submitted,

s/Jeffrey Semidey
Jeffrey Semidey
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CERTIFICATE OF SERVICE

I HEREBY CERTIFIED that on April 3, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which send notification of such filing to the following: Daniel J. Vaccaro, Assistant U.S. Attorney and to Lydia Lizarríbar, Esq.

At San Juan, Puerto Rico, this 3rd day of April 2006.

s/Jeffrey Semidey
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